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Attorneys for Plaintiffs and Putative Class

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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1 Consistent with Rule 26 and Judge Hsu’s orders, Plaintiffs Michael Garcia,
2 Salena Garcia, and R.G. (“Plaintiffs”) and Defendant Roblox Corporation
3 (“Roblox”) (collectively, “Parties”) have conferred at least 21 days before the
4 Scheduling Conference and will make initial disclosures “without awaiting a
5 discovery request.”

6 **1. Statement of the Case**

7 This putative class action alleges that Roblox contemporaneously intercepted
8 users’ electronic communications and collected/stored communications and
9 associated data without proper consent, including from child users, via client- and
10 server-side instrumentation (e.g., canvas/audio fingerprinting, telemetry, analytics
11 SDKs) and shared data with third parties (e.g., Google Analytics, Pendo, Arkose).
12 See, e.g., Compl. ¶¶ 25–26 (fingerprinting/telemetry), ¶ 62 (injunctive relief), and
13 class allegations for adult and minor subclasses. Roblox denies and disputes that
14 Plaintiffs have stated facts to support any of their claims, including contemporaneous
15 interception of data, or that their asserted claims are legally valid. Roblox further
16 asserts that the Parties agreed to arbitrate its disputes and plans to file a motion to
17 compel arbitration. Arbitration-specific discovery has been served and Roblox will
18 file its motion as soon as possible. Plaintiffs deny that they agreed to arbitration and
19 plans on opposing any such motion to compel arbitration.

20 a. Claims (federal question):

21 Count I – ECPA, Title I (Wiretap Act), 18 U.S.C. § 2511;

22 Count II – SCA, 18 U.S.C. § 2701 et seq.;

23 Count III – COPPA (15 U.S.C. §§ 6502, 6503; 16 C.F.R. Part 312) (equitable
24 relief only).

25 Roblox denies liability, contends its conduct is authorized/consented to under
26 its terms and privacy disclosures, and has moved to dismiss; it will move to compel
27 arbitration pursuant to its terms once arbitration-specific discovery is complete.

28 **2. Subject Matter Jurisdiction**

1 Federal question jurisdiction under 28 U.S.C. § 1331 based on the ECPA,
2 SCA, and COPPA claims.

3 **3. Legal Issues**

4 Key issues include: (a) interception contemporaneity/device under ECPA; (b)
5 unauthorized access to “facility”/contents under the SCA; (c) COPPA-related
6 consent/notice (equitable relief); (d) Article III standing and causation; (e) contract
7 formation/assent and enforceability of arbitration/venue class waivers; (f) class
8 certification under Rules 23(a)/(b), including predominance/ascertainability; (g)
9 merits and damages for statutory remedies; (h) evidentiary issues concerning third-
10 party analytics and minors’ data; and (i) Roblox’s position that this matter should be
11 in arbitration.

12 **4. Parties, Percipient Witnesses, and Key Documents**

13 a. Parties

14 Plaintiffs Michael and Salena Garcia and minor R.G.; Defendant Roblox
15 Corporation.

16 b. Corporate relationships

17 As attested in Roblox’s Notice of Interested Parties (Dkt. No. 18), Roblox has
18 no parent corporation, and no publicly held company owns 10% or more of Roblox’s
19 stock.

20 c. Anticipated percipient witnesses (non-exclusive)

21 Plaintiffs identify the following witnesses: Roblox’s engineering, product,
22 Trust & Safety, data/analytics, and ads/monetization personnel (including
23 custodians knowledgeable about Google Analytics, Pendo, Arkose, telemetry,
24 cookies/ID graphs, parental-consent/age-verification, chat/voice systems), and third
25 parties (Google, Pendo, Arkose).

26 Defendant identifies the named Plaintiffs at this time.

27 d. Key documents/evidence (non-exclusive)

28 Plaintiffs identified the following during the meet and confer: HAR logs; all

1 GET/POST requests; pre-login tracking flows and destinations; clickwrap/assent
2 records for each class representative; complete information about
3 Arkose/Pendo/Google Analytics (adoption dates, data types sent/received, purpose,
4 Roblox's use); data-driven revenue streams; user profiles generated from collected
5 data; consent/TOU artifacts; SCA screen captures; Roblox-specific ESI (voice-chat
6 recordings/transcripts; public/private chat logs; device/browser identifiers;
7 geolocation; parental-consent and age-verification/estimation data;
8 moderation/Trust & Safety flags; SDK/adtech event streams; telemetry; cookies/ID
9 graphs) and their preservation/export formats.

10 Without conceding that all such information or documents (including related
11 ESI) exists, Roblox agrees that much of the user-profile information for named
12 Plaintiffs will be relevant evidence, but reserves its right to seek additional
13 categories of information as the case warrants.

14 **5. Damages**

15 Plaintiffs currently estimate damages for a class of ~1,000,000 users at up to
16 \$11,000 per user based on statutory damages frameworks they contend apply (ECPA
17 and SCA).

18 Though it denies Plaintiffs have been harmed or suffered any damages, in any
19 event, Roblox believes it is too early to calculate damages. Roblox also disputes that
20 Plaintiffs are entitled to statutory damages.

21 The Parties reserve the right to refine with expert analysis. See also damages
22 discussion in the complaint (statutory figures and injunctive relief).

23 **6. Insurance**

24 The Parties are unaware of applicable insurance at this time. Each side will
25 disclose any responsive coverage per Rule 26(a)(1)(A)(iv) in initial disclosures.

26 **7. Motions**

27 (a) Procedural Motions. Plaintiffs anticipate one or more motions to amend to
28 add class representatives; no jurisdictional or venue challenges anticipated by either

1 side at this time.

2 Roblox currently has pending a motion to dismiss. Roblox also intends to file
3 a motion to compel arbitration and seeks to have the court determine the motion to
4 compel arbitration in advance of a substantive decision on the motion to dismiss.
5 Roblox is working expeditiously to complete arbitration related discovery and will
6 file its motion to compel as soon as possible thereafter.

7 (b) Dispositive Motions. Roblox anticipates a Rule 56 motion for summary
8 judgment; Plaintiffs do not presently anticipate dispositive motions.

9 (c) Class Certification. Judge Hsu will set a deadline to hear the class-cert
10 motion; the standard rules contemplate that the motion must be filed within 120 days
11 of the date originally set for the Scheduling Conference absent court-approved
12 extension, and the Court requires an extended briefing schedule (Opposition four
13 weeks after filing; Reply two weeks after Opposition; at least three weeks from
14 Reply to hearing). Given the volume and sensitivity of minors' ESI and third-party
15 analytics discovery, as well as the complexity of this case, the potential size of the
16 class, and amount of information necessary for the Parties to assemble and review
17 prior to class briefing, the Parties jointly propose a Class Certification Plan (Exhibit
18 A) modifying the schedule outlined in the worksheet, with task-by-task milestones
19 to a proposed October 2, 2026 hearing (details below).

20 **8. Manual for Complex Litigation**

21 Because this is a putative class action with significant ESI and data-privacy
22 issues involving minors, the Parties agree selected procedures from the Manual for
23 Complex Litigation (re early ESI conferences, protective orders, phased discovery,
24 and class-cert sequencing) would be useful.

25 **9. Discovery**

26 a. Status

27 The Parties have begun Rule 26(f) planning and will exchange early
28 discovery; Roblox has served arbitration-related discovery.

1 b. Discovery Plan

2 Initial Disclosures: Upon agreement of the Parties, due September 16, 2025.

3 i. Early/Targeted Discovery:

4 Arbitration: Roblox has served early discovery limited to arbitration-related
5 issues, including assent/notice. Plaintiffs will promptly provide responsive, targeted
6 records so the motion can be briefed efficiently.

7 Merits (Plaintiffs' priority set): Pre-login tracking flows and destinations;
8 HAR logs; all GET/POST capture and server-side handling; canvas/audio
9 fingerprinting details and resulting hashes; full information on Arkose, Pendo,
10 Google Analytics (adoption dates; data types transmitted; purposes; data Roblox
11 ingests back; internal use); revenue streams from data collection; user profiles
12 derived from telemetry; SCA screen captures; and consent/TOU artifacts.

13 Roblox contends merits discovery should be stayed until the Court has
14 adjudicated Roblox's anticipated motion to compel arbitration.

15 ii. Plaintiffs' Anticipated ESI Discovery Parameters

16 Sources/Types: voice-chat recordings and transcripts; public/private chat
17 logs; device/browser identifiers; IPs; geolocation; parental-consent artifacts; age-
18 verification or estimation data; moderation/Trust & Safety flags; SDK/adtech event
19 streams; telemetry; cookies/ID graphs.

20 Format/Metadata: JSON/CSV for logs and event streams; native or text-plus-
21 loadfile for chats with per-message metadata (sender ID, channel, timestamp (UTC),
22 message ID, deletion/moderation flags); audio and transcript files in native with
23 chain-of-custody; include fields sufficient to link persistent identifiers to accounts in
24 a separate mapping table with hashed user IDs.

25 Timeframe & Scope: From the start of each tool's deployment to present for
26 the named plaintiffs; class-wide sampling and aggregated exports for system-level
27 proofs (e.g., configuration, data dictionaries, and exemplar event schemas) within
28 the statute of limitations or as otherwise permitted through discovery disclosure.

1 Search/Queries: The Parties will exchange initial keyword lists and event-
2 name/endpoint lists and will iterate based on hit reports; if available, Roblox will
3 provide data dictionaries for Arkose/Pendo/GA and telemetry endpoints to allow
4 targeted queries.

5 Privilege/Protection: A 502(d) order to avoid subject-matter waiver on
6 inadvertent productions; clawback protocol; and Plaintiffs' propose a two-tier
7 protective order with an AEO-Minors tier governing minors' PII/recordings (the
8 Parties will further meet and confer on a stipulated PO).

9 Third-Party Discovery: Plaintiffs' anticipate subpoenas to Google, Pendo,
10 Arkose for integration contracts, data flows, and event taxonomies.

11 Native data integrity: The Parties will endeavor to preserve server logs and
12 client telemetry in original time zones with synchronized UTC fields; exports will
13 identify hashing/encoding methods, and any rolling deletions will be suspended for
14 relevant systems upon service of preservation notices.

15 iii. Phasing/Limitations:

16 Phase 1: Arbitration/assent records and core system-level materials
17 (configurations, data dictionaries, exemplar logs) sufficient to brief arbitration
18 motion and to frame class issues.

19 Phase 2: Class and merits discovery (including depositions and expert
20 discovery on tracking/interception, consent, minors' privacy practices).

21 However, Roblox reserves the right to seek appropriate protections for
22 information subject to rights of third parties, including rights of privacy, prior to the
23 decision of any motion for class certification.

24 Discovery cut-offs and expert dates are proposed in the Worksheet below;
25 note that "discovery cut-off" and "motions cut-off" refer to hearing dates, not filing
26 dates.

27 c. Discovery Cut-Off (Fact)

28 Proposed in Worksheet (18 weeks before FPTC).

1 d. Expert Discovery

2 Initial disclosures 16 weeks before FPTC; rebuttal 14 weeks before FPTC;
3 expert discovery cut-off 14 weeks before FPTC.

4 e. Settlement/ADR

5 The Parties are open to private mediation and will meet and confer on
6 mediator selection; the Worksheet sets the completion deadline five weeks before
7 FPTC (below).

8 **10.Trial**

9 Jury trial requested; estimated length 10-15 court days. Trial must be set on a
10 Monday at 9:00 a.m. per the Worksheet, and the Parties propose a date 18-months
11 from the Scheduling Conference based on class-action complexity.

12 **11.Independent Expert or Master**

13 The Parties do not presently request appointment of a master or independent
14 expert but agree to revisit if discovery disputes become substantial.

15 **12.Other Issues**

16 **Protective Order (Minors' Data Handling/Roblox's Confidential**
17 **Information):** The Parties will submit a stipulated two-tier PO with restrictions for
18 minors' information and Roblox's confidential / proprietary information, controlled
19 access, redaction protocols for PII, and handling instructions for voice/chat content.

20 **Sealing:** The Parties will comply with the Ninth Circuit standard and Local
21 Rule 79-5 for any sealing of minors' information.

22 **Young-Lawyer Opportunities:** The Parties will endeavor to present junior
23 counsel consistent with the Court's encouragement.

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28 Dated: September 5, 2025

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3 Robert B. Salgado, Esq.
4 Attorney for Plaintiffs
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12 /s/ Elaine F. Harwell
13 Elaine F. Harwell
14 Attorney for Defendant, Roblox Corporation
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1 EXHIBIT A – ARBITRATION AND CLASS CERTIFICATION PLAN
2 **(Requested Extension)**

3 **Rationale for extension:** Class action; complex, minors' data; multiple third-
4 party analytics; anticipated arbitration briefing; significant ESI volume and
5 protective-order issues. The Standing Order requires a detailed plan to justify any
6 extension beyond 120 days.

7 **Plan & Dates (agreed sequencing):**

- 8 1. Roblox's motion to compel arbitration filed: by **10/8/2025**;
- 9 2. Motion to compel arbitration to be heard: by **11/5 2025**;
- 10 3. Exchange core class-related ESI artifacts (data dictionaries/schemas; config
docs; exemplar logs; clickwrap/assent records for reps): by **12/05/2025**.
- 11 4. Protective Order lodged: by **12/12/2025**; 502(d) proposed order submitted
same day.
- 12 5. Third-party subpoenas (Google, Pendo, Arkose) served: by **12/19/2025**.
- 13 6. Plaintiffs' 30(b)(6) on data/telemetry/analytics, and depositions of class reps:

14 **Jan–Mar 2026.**

- 15 7. Class data sampling/exports produced; expert data audit and opening report
work: by **05/29/2026**.
- 16 8. Close of class fact discovery: **06/26/2026**.
- 17 9. Plaintiffs' Motion for Class Certification filed: **07/31/2026**.
- 18 10. Opposition due: **08/28/2026** (4 weeks after); Reply due: **09/11/2026** (2 weeks
after); Hearing: **10/02/2026** (Friday) (≥ 3 weeks post-reply).

19 **ADR PLAN**

20 The parties will pursue private mediation (L.R. 16-15, Option 3) and propose
21 a completion deadline of 01/22/2027 (five weeks before FPTC, per Worksheet).